

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

JEDADIAH STUMP, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 1:23-00184

WEST VIRGINIA DIVISION
OF CORRECTIONS AND
REHABILITATION, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court are the following motions:

- 1) Defendants' motion to stay discovery pending a ruling on the motion to dismiss; (ECF No. 22);
- 2) Defendants' motion for expedited ruling on the motion for stay (ECF No. 64); and
- 3) Plaintiffs' motion for relief from scheduling order (ECF No. 61).

On December 7, 2023, a stipulation of voluntary dismissal of plaintiffs Jedadiah Stump and Adonnis Sheppard was entered. See ECF No. 66. Therefore, the only remaining named plaintiff in this case is Keane Blake Murillio. One of the arguments advanced by defendants in support of their motion to dismiss is a claim of absolute immunity from all state law claims asserted by Murillio. Defendants did not advance an absolute immunity

claim as to the claims of the other named plaintiffs.


Therefore, a ruling on the absolute immunity question might significantly limit the scope of this case. In addition, plaintiffs have asked for an extension of the deadlines set in the court's scheduling order because lead counsel on the case are no longer involved and new counsel need time to get up to speed.

The court usually denies motions to stay like the one filed in this case. However, based upon recent developments in the case outlined above, a brief stay in this matter is merited. Therefore, defendants' motion to stay discovery is **GRANTED** and discovery in this matter is **STAYED** until further order of the court. If this case is not dismissed, the court will enter a new scheduling order. Defendants motion to expedite and plaintiffs' motion for relief from the scheduling order are **DENIED** as moot.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record.

It is SO ORDERED this 13th day of December, 2023.

ENTER:


David A. Faber
Senior United States District Judge